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C O N F I D E N T I A L SECTION 1 OF 5 ANKARA 3215

E.O. 11652: GDS
TAGS: MARR, TU
SUBJ: US-TURKISH DEFENSE COOPERATION: DRAFT AGREEMENT FOR INCIRLIK

REF: (A) ANKARA 2567 (DTG 051233Z APR 78) (NOTAL)
(B) ANKARA 2824 (DTG 121440Z APR 78) (NOTAL)

1. FOLLOWING IS THE TEXT OF A DRAFT AGREEMENT FOR INCIRLIK
AIR BASE WHICH, AS NOTED IN PARA 4, REF A, IS INTENDED TO BE
A COMPREHENSIVE DOCUMENT INCLUDING ALL ITEMS FOR CONTINUED
US OPERATIONS INDEPENDENT OF A COVER AGREEMENT, SAMPLE
TEXTS OF WHICH WERE TRANSMITTED BY REFTELS. SUBSEQUENT
DRAFTS IN THIS SERIES WILL COVER SINOP AND PIRINCLIK
(DIYARBAKIR).

BEGIN TEXT

INCIRLIK AIR BASE AGREEMENT

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PREAMBLE:

THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA HAVING IN MIND THEIR OBLIGA-
TIONS AND RESPONSIBILITIES UNDER THE UNITED NATIONS CHARTER,
AND THE NORTH ATLANTIC TREATY, RECOGNIZING THAT THE MAINTENANCE
OF UNITED STATES FORCES AND FACILITIES IN TURKEY ENHANCE THE

SECURITY OF BOTH COUNTRIES, AND ACTING ON THE BASIS OF THEIR CONTINUING FRIENDSHIP, HAVE ENTERED INTO THE FOLLOWING AIR BASE AGREEMENT CONCERNING INCIRLIK DEFENSE COOPERATION INSTALLATION.

ARTICLE I: MISSION

1. THE MISSIONS OF INCIRLIK DEFENSE COOPERATION INSTALLATION, APPROVED BY THE GOVERNMENT OF THE REPUBLIC OF TURKEY, ARE:

A. TO PROVIDE AN OPERATIONAL TACTICAL FIGHTER BASE TO HOST ROTATIONAL US TACTICAL AIRCRAFT AND SUPPORT ELEMENTS IN SUPPORT OF APPROVED NATO PLANS;

B. TO PROVIDE AN OPERATIONAL TACTICAL FIGHTER BASE TO HOST TEMPORARY DEPLOYMENT OF US TACTICAL AIRCRAFT AND SUPPORT ELEMENTS IN SUPPORT OF APPROVED CENTO PLANS, ACTIVITIES AND EXERCISES.

C. TO ACCOMMODATE TRANSIENT AIR REFUELING AIRCRAFT AIRLIFT AIRCRAFT AND OTHER AIRCRAFT.

D. TO PROVIDE AN OPERATIONAL AERIAL PORT.

E. TO MAINTAIN AND OPERATE AREA SUPPORT FACILITIES FOR COMMAND AND CONTROL, ADMINISTRATION, LOGISTICS, COMMUNICATIONS, CONFIDENTIAL

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WAR READINESS MATERIALS, AND GENERAL SUPPORT INCLUDING HEALTH, MORALE AND SOCIAL WELFARE ACTIVITIES FOR MEMBERS OF THE US NATIONAL ELEMENT.

F. TO PROVIDE AIR OPERATIONS TRAINING FOR TACTICAL AIRCRAFT.

2. IN CASE OF HOSTILITIES INVOLVING NATO, OPERATIONS AT INCIRLIK DEFENSE COOPERATION INSTALLATION WILL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE NORTH ATLANTIC TREATY AND IN ACCORDANCE WITH THE DIRECTIVES OF APPROPRIATE NATO AUTHORITIES.

3. AIRCRAFT REFERRED TO IN PARAGRAPH ONE OF THIS ARTICLE MAY ENTER, OPERATE WITHIN, AND DEPART TURKEY PROVIDED AN ICAO FLIGHT PLAN HAS BEEN FILED AND FLIGHT IS CARRIED OUT IN ACCORDANCE WITH ICAO REGULATIONS AND PROCEDURES SPECIFIED IN THE TURKISH AERONAUTICAL INFORMATION PUBLICATION. FLIGHT CLEARANCE PROCEDURES FOR US TACTICAL AIRCRAFT, REFERRED TO IN PARAGRAPH 1, CONDUCTING AIR OPERATIONS TRAINING WITHIN TURKISH AIRSPACE SHALL BE NO MORE RESTRICTIVE THAN PROCEDURES APPLICABLE TO TURKISH NATIONAL AIRCRAFT CONDUCTING SIMILAR

AIR OPERATIONS TRAINING FLIGHTS.

4. THE GOVERNMENT OF TURKEY HAS THE RIGHT IN CASES OF NATIONAL EMERGENCY TO TAKE REQUIRED RESTRICTIVE MEASURES FOR THE SAFEGUARD OF NATIONAL EXISTENCE ALL THROUGH THE EMERGENCY PERIOD TAKING INTO ACCOUNT THE PURPOSES OF THIS AGREEMENT. THE DECLARATION OF A NATIONAL EMERGENCY BY THE GOVERNMENT OF TURKEY NECESSITATING RESTRICTIVE MEASURES AT INCIRLIK DEFENSE COOPERATION INSTALLATION WILL BE COMMUNICATED TO THE GOVERNMENT OF THE UNITED STATES OF AMERICA AT THE EARLIEST POSSIBLE TIME. ONCE NATIONAL EMERGENCY CONDITIONS HAVE BEEN DECLARED BY THE GOVERNMENT OF TURKEY, THE UNITED STATES COMMANDER AT INCIRLIK DEFENSE COOPERATION INSTALLATION WILL INSURE THAT UNITED STATES OPERATIONS AND ACTIVITIES
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COMPLY WITH THE REQUIRED RESTRICTIVE MEASURES THROUGHOUT THE EMRGENCY PERIOD.

ARTICLE II: JOINT AIR BASE USE PLAN

1. THE JOINT AIR BASE USE PLAN FOR INCIRLIK DEFENSE COOPERATION INSTALLATION IS CONTAINED IN ANNEX ONE TO THIS AGREEMENT. THE PLAN SPECIFIES THE PREMISES EXCLUSIVELY UTILIZED BY THE UNITED STATES NATIONAL ELEMENT AND THE TURKISH NATIONAL ELEMENT RESPECTIVELY. COMMON AREAS SUCH AS ROADS, UTILITIES AND OTHER IMPROVEMENTS NOT SPECIFICALLY IDENTIFIED SHALL BE UNDER THE CONTROL AND MANAGEMENT OF THE NATIONAL ELEMENT RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF SUCH COMMON AREAS.

2. TURKISH AIRCRAFT MAY BE DEPLOYED TO INCIRLIK DEFENSE COOPERATION INSTALLATION FOR TRAINING PURPOSES TO THE EXTENT THAT SUCH DEPLOYMENTS DO NOT CONFLICT WITH THE MISSIONS AUTHORIZED IN ARTICLE ONE OF THIS AGREEMENT.

3. UNITED STATES TACTICAL AIRCRAFT DEPLOYED TO INCIRLIK IN ACCORDANCE WITH ARTICLE ONE OF THIS AGREEMENT MAY USE KONYA RANGE, ITS FACILITIES AND OTHER DESIGNATED TRAINING FACILITIES AND AREAS, AND CARRY OUT OTHER TRAINING FLIGHTS IN TURKEY.

4. OPERATIONS ENVISIONED IN PARAGRAPH 2 AND 3 OF THIS ARTICLE SHALL BE SUBJECT TO ADVANCE COORDINATION BETWEEN THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER ON THE BASIS OF MUTUALLY AGREED OPERATING PROCEDURES.

5. OVERALL AIR TRAFFIC CONTROL WITHIN TURKEY IS THE RESPONSIBILITY OF THE GOVERNMENT OF THE REPUBLIC OF TURKEY. HOWEVER, UNITED STATES MILITARY AUTHORITIES SHALL EXERCISE AIR TRAFFIC CONTROL WITHIN THE INCIRLIK TERMINAL CONTROL AREA AND MAY
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OPERATE RAPCON/GCA SERVICES TO FACILITATE THIS CONTROL. QUALIFIED TURKISH LIAISON PERSONNEL MAY BE ASSIGNED TO THE TOWER. PRIORITY FOR AIRCRAFT OPERATING WITHIN THE INCIRLIK TCA WILL BE IN ACCORDANCE WITH STANDARD AIR TRAFFIC CONTROL PRACTICES WITHOUT REGARD TO NATIONALITY. ALL AIRCRAFT UTILIZING INCIRLIK DEFENSE COOPERATION INSTALLATION WILL BE PROVIDED WITH AVAILABLE FLIGHT SAFETY FACILITIES AND SERVICES SUCH AS FIRE AND RESCUE, METEOROLOGY, APPROACH CONTROL AND OTHER NAVIGATIONAL AIDS.

6. IN THE INTERESTS OF SAFETY, TECHNICAL PROCEDURES CONCERNING ESSENTIAL COOPERATION AND COORDINATION AMONG UNITED STATES AUTHORITIES AT INCIRLIK DEFENSE COOPERATION INSTALLATION AND TURKISH CIVIL AUTHORITIES AT ADANA AIRPORT AND ANKARA CENTER SHALL BE MUTUALLY AGREED AND DOCUMENTED.

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ARTICLE III: COMMAND AND CONTROL

1. THE COMMANDER OF THE INCIRLIK DEFENSE COOPERATION
INSTALLATION SHALL BE TURKISH. THE TURKISH FLAG SHALL BE

FLOWN AT THE INSTALLATION.

2. THE TURKISH COMMANDER AT INCIRLIK DEFENSE COOPERATION
INSTALLATION SHALL EXERCISE AND BE RESPONSIBLE FOR:

A. FULL COMMAND AND CONTROL OF THE TURKISH NATIONAL
ELEMENT, ITS AREA, OPERATIONS, EQUIPMENT, SUPPORT, DISCIPLINE,
HEALTH AND SOCIAL WELFARE FACILITIES WITH THE EXCEPTION OF
THOSE TURKISH CIVILIAN PERSONNEL IN THE EMPLOY OF THE UNITED
STATES NATIONAL ELEMENT.

B. EXTERNAL AND PERIMETER SECURITY.

C. INTERNAL SECURITY OF THOSE AREAS EXCLUSIVELY USED BY
THE TURKISH NATIONAL ELEMENT.

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3. THE GOVERNMENT OF THE UNITED STATES OF AMERICAN WILL ASSIGN
TO INCIRLIK DEFENSE COOPERATION INSTALLATION A UNITED STATES
COMMANDER TO FUNCTION AS THE SINGLE POINT OF CONTACT BETWEEN
THE UNITED STATES NATIONAL ELEMENT AND THE TURKISH COMMANDER.
THE UNITED STATES FLAG MAY BE FLOWN AT THE HEADQUARTERS OF
THE UNITED STATES COMMANDER, AND AT OTHER AREAS OF THE
INSTALLATION USED EXCLUSIVELY BY THE UNITED STATES NATIONAL
ELEMENT.

4. THE UNITED STATES COMMANDER SHALL EXERCISE AND BE RESPON-
SIBLE FOR:

A: FULL COMMAND AND CONTROL OF THE UNITED STATES NATIONAL
ELEMENT, ITS AREA, OPERATIONS, EQUIPMENT, SUPPORT, DISCIPLINE,
HEALTH AND SOCIAL WELFARE FACILITIES.

B. INTERNAL SECURITY EXCEPT THOSE AREAS EXCLUSIVELY
USED BY THE TURKISH NATIONAL ELEMENT.

C. CONTROL AND MANAGEMENT OF TURKISH NATIONAL EMPLOYEES
OF THE THE UNITED STATES NATIONAL ELEMENT.

5. DIRECTIVES APPLICABLE TO THE INCIRLIK DEFENSE COOPERATION
INSTALLATION AS A WHOLE MUST BE CONSISTENT WITH THE AUTHORITY
AND RESPONSIBILITY OF THE TURKISH COMMANDER AND THE UNITED
STATES COMMANDER.

6. THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER SHALL
MAINTAIN A SPIRIT OF COOPERATION IN RECOGNITION OF THE OBLIGA-
TIONS OF THEIR RESPECTIVE GOVERNMENTS AS DEFINED IN THIS
AGREEMENT. BOTH OFFICERS WILL MAKE EVERY EFFORT TO RESOLVE
ANY DIFFERENCES WHICH MAY ARISE REFERRING THOSE DIFFERENCES

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THAT CANNOT BE RESOLVED TO THE APPROPRIATE AUTHORITIES OF BOTH GOVERNMENTS.

ARTICLE IV: JURISDICTION

1. THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER AT INCIRLIK DEFENSE COOPERATION INSTALLATION IN FULL RECOGNITION OF THE NECESSITY FOR STRICT ORDER AND DISCIPLINE IN A MILITARY ENVIRONMENT, ARE RESPONSIBLE FOR INSURING THAT PERSONNEL UNDER THEIR RESPECTIVE COMMAND CONTROL RESPECT THE LAWS, DIRECTIVES AND REGULATIONS APPLICABLE TO THE INSTALLATION. ANY VIOLATIONS OR SUSPECTED VIOLATIONS OF THE ABOVE LAWS, DIRECTIVES OR REGULATIONS BY MEMBERS OF EITHER NATIONAL ELEMENT WILL BE REPORTED IMMEDIATELY TO THE COMMANDER RESPONSIBLE FOR THAT NATIONAL ELEMENT. IF SAID MEMBER/MEMBERS ARE IN THE CUSTODY OF ANY LAW ENFORCEMENT OR INVESTIGATIVE AUTHORITY HE/THEY WILL BE IMMEDIATELY TRANSFERRED TO THE CUSTODY OF THEIR COMMANDER WHO WILL TAKE NECESSARY ACTION TO INSURE CUSTODY/CONTROL OF THE ACCUSED MEMBER/MEMBERS.

A. THE TURKISH COMMANDER, IN CONFORMANCE WITH THE LAWS OF THE GOVERNMENT OF THE REPUBLIC OF TURKEY, SHALL HAVE THE RIGHT TO EXERCISE CRIMINAL JURISDICTION OVER MEMBERS OF THE TURKISH NATIONAL ELEMENT FOR ALL OFFENSES COMMITTED WITHIN INCIRLIK DEFENSE COOPERATION INSTALLATION. THE TURKISH COMMANDER WILL EXERCISE HIS AUTHORITY IN A TIMELY AND EXPEDITIOUS MANNER IN ORDER TO PROMOTE GOOD ORDER AND DISCIPLINE AT THE INSTALLATION.

B. THE UNITED STATES COMMANDER SHALL HAVE THE PRIMARY RIGHT TO EXERCISE CRIMINAL JURISDICTION OVER MEMBERS OF THE UNITED STATES NATIONAL ELEMENT FOR ALL OFFENSES COMMITTED WITHIN INCIRLIK DEFENSE COOPERATION INSTALLATION. THE UNITED STATES COMMANDER WILL EXERCISE HIS AUTHORITY IN A TIMELY AND EXPEDITIOUS MANNER IN ORDER TO PROMOTE GOOD ORDER AND DISCIPLINE AT THE INSTALLATION.

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2. IN CRIMINAL JURISDICTION MATTERS, BOTH COMMANDERS WILL COOPERATE TO INSURE THAT ALLEGED VIOLATIONS ARE PROMPTLY INVESTIGATED.

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ARTICLE V: ACCESS

1. THE TURKISH COMMANDER AND THE UNITED STATEE COMMANDER AT
INCIRLIK DEFENSE COOPERATION INSTALATION ARE JOINTLY
RESPONDISBLE FOR ACCESS (ENTRY AND EXIT) OT THE INSTALLATION.
THE MAIN GATE OF THE INSTALLATION SHALL BE JOINTLY MANNED BY
TURKISH AND UNITED STATES SECURITY PERSONNEL.

A. THE TURKISH COMMANDER WILL DETERMINE AND CONTROL
ACCESS TO THE DEFENSE COOPERATION INSTALLATION WITHIN HIS
AREA OF RESPONSIBILITY AS DESIGNATED IN ARTICLE III-2 OF
THIS AGREEMENT. THE TURKISH SECURITY PERSONNEL AT THE MAIN
GATE WILL CONTROL ACCESS TO THE INSTALLATION IN ALL CASES
WITHIN THE TURKISH COMMANDER'S AREA OF RESPONSIBILITY.

B. THEU UNITED STATES COMMANDER WILL DETERMINE AND
CONTROL ACCESS TO THE DEFENSE COOPERATION INSTALLATION WITHIN
HIS AREA OF RESPONSIBBILITY AS DESIGNATED IN ARTICLE III-4 OF
THIS AGREEMENT. THE UNITED STATES SECURITY PERSONNEL AT THE
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MAIN GATE WILL CONTROL ACCESS TO THE INSTALLATION IN ALL

CASES WITHIN THE UNITED STATES COMMANDER'S AREA OF RESPONSIBILITY.

2. GENERAL ACCESS TO INCIRLIK DEFENSE COOPERATION INSTALLATION AS PROVIDED IN PARAGRAPH ONE ABOVE, DOES NOT GRANT ACCESS TO RESTRICTED AREAS OF THE INSTALLATION. ACCESS TO THE RESTRICTED AREAS WILL BE THE RESPONSIBILITY OF THE COMMANDER WHO IS RESPONSIBLE FOR INTERNAL SECURITY OF THAT AREA. ACCESS TO RESTRICTED AREAS COMMONLY USED BY BOTH NATIONAL ELEMENTS SUCH AS FLIGHT LINE, RUNWAY, ETC WILL BE MUTUALLY AGREED AND DOCUMENTED BY THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER.

3. THE PARTIES TO THIS AGREEMENT SHALL RESPECT EACH OTHERS' NATIONAL RULES AND REGULATIONS CONCERNING CRYPTO AREAS.

4. INSPECTION AND SEARCH OF INDIVIDUALS AND PROPERTY WILL BE CONDUCTED BY APPROPRIATE SECURITY FORCES OF THE NATIONAL ELEMENT BEING SEARCHED OR INSPECTED. UNITED STATES SECURITY FORCES WILL NOT SEARCH MEMBERS OF THE TURKISH NATIONAL ELEMENT, NOR WILL TURKISH SECURITY FORCES SEARCH MEMBERS OF THE UNITED STATES NATIONAL ELEMENT.

5. TO INSURE ORDERLY AND EFFICIENT OPERATION OF THE MAIN GATE BY JOINT UNITED STATES/TURKISH SECURITY FORCES, IMPLEMENTING PROCEDURES CONSISTENT WITH THIS AGREEMENT WILL BE MUTUALLY AGREED AND DOCUMENTED BY THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER.

ARTICLE VI: SECURITY

1. THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER IN COORDINATION SHALL DEVELOP A MUTUALLY AGREED OVERALL INCIRLIK DEFENSE COOPERATION INSTALLATION SECURITY PLAN WHICH
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SHALL BE CONSISTENT WITH THE RESPONSIBILITIES OF BOTH COMMANDERS AS DESCRIBED IN ARTICLE II-W AND 4 OF THIS AGREEMENT.

2. AN APPROVED RECAPTURE PLAN TO PREVENT CAPTURE OR CARRY-OFF OF WEAPONS WILL BE PREPARED JOINTLY BY THE TURKISH AND UNITED STATES COMMANDERS AT INCIRLIK DEFENSE COOPERATION INSTALLATION.

ARTICLE VII: AUTHORIZED STRENGTH

1. THE AUTHORIZED STRENGTH FOR THE UNITED STATES FORCES AND CIVILIAN COMPONENT ASSIGNED TO INCIRLIK DEFENSE COOPERATION INSTALLATION IS SPECIFIED IN ANNEX II TO THIS AGREEMENT. ANY INCREASE ABOVE THE AUTHORIZED STRENGTH OF UNITED STATES FORCES OR CIVILIAN COMPONENT SHALL BE SUBJECT TO PRIOR NOTIFICATION OF THE TURKISH COMMANDER.

2. THE UNITED STATES COMMANDER SHALL PROVIDE TO THE TURKISH COMMANDER QUARTERLY REPORTS ON THE STRENGTH OF UNITED STATES FORCES AND CIVILIAN COMPONENT PERMANENTLY ASSIGNED TO THE INSTALLATION. THE REPORT WILL ALSO CONTAIN THE STRENGTH OF THE TURKISH CIVILIAN PERSONNEL EMPLOYED BY THE UNITED STATES AT THE INSTALLATION.

ARTICLE VIII: ARMS AND AMMUNITION

1. THE AUTHORIZED QUANTITIES OF ARMS AND AMMUNITION OF THE UNITED STATES FORCES AT INCIRLIK DEFENSE COOPERATION INSTALLATION ARE SPECIFIED IN ANNEX III TO THIS AGREEMENT. ANY INCREASE IN THE AUTHORIZED QUANTITIES SHALL BE SUBJECT TO PRIOR CONSULTATION WITH THE TURKISH COMMANDER.

2. THE UNITED STATES COMMANDER WILL NOTIFY THE TURKISH COMMANDER OF ARMS AND AMMUNITION AIRLIFTED INTO INCIRLIK DEFENSE COOPERATION INSTALLATION. TRANSFER OF ARMS AND AMMUNITION OUTSIDE OF THE INSTALLATION SHALL BE ACCOMPLISHED WITH SAFEGUARDS AND PROTECTION MUTUALLY AGREED BETWEEN THE TURKISH CONFIDENTIAL

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AND UNITED STATES COMMANDERS AT INCIRLIK DEFENSE COOPERATION INSTALLATION.

3. EXPORTATION OF ARMS AND AMMUNITION FROM INCIRLIK DEFENSE COOPERATION INSTALLATION SHALL BE SUBJECT TO PRIOR NOTIFICATION OF THE TURKISH COMMANDER.

4. AIRCRAFT ARMS AND AMMUNITION ON ROTATIONAL TACTICAL AIRCRAFT DEPLOYING TO OR REDEPLOYING FROM TURKEY ARE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE.

ARTICLE IX: CONSTRUCTION AND CHANGE

1. CONSTRUCTION PROJECTS WHICH CHANGE THE AUTHORIZED MISSION OF INCIRLIK DEFENSE COOPERATION INSTALLATION SHALL BE SUBJECT TO PRIOR APPROVAL OF THE APPROPRIATE TURKISH AUTHORITIES.

2. CONSTRUCTION, DEMOLITION AND REMOVAL OF NEW BUILDINGS AND OTHER PROPERTY INCORPORATED IN THE SOIL SHALL BE SUBJECT TO PRIOR CONSULTATION BETWEEN THE TURKISH COMMANDER AND THE UNITED STATES COMMANDER.

3. ANY OTHER KIND OF CONSTRUCTION, ALTERATION, MODERNIZATION, MAINTENANCE AND REPAIR, EXCEPT THOSE ROUTINELY ACCOMPLISHED WITHIN LOCAL IN-COUNTRY MAINTENANCE CAPABILITY, SHALL BE SUBJECT TO PRIOR NOTIFICATION TO THE INSTALLATION MASTER PLANNING BOARD. WRITTEN COMMUNICATION BETWEEN THE UNITED STATES AND TURKISH COMMANDERS AT INCIRLIK DEFENSE COOPERATION

INSTALLATION SHALL BE CONSIDERED PRIOR NOTIFICATION FOR
PURPOSES OF THIS PARAGRAPH.

4. TO EFFECT NECESSARY CONSTRUCTION COORDINATION AND
PLANNING FOR INCIRLIK DEFENSE COOPERATION INSTALLATION, AN
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INSTALLATION MASTER PLANNING BOARD SHALL BE FORMED.
THE TURKISH AND UNITED STATES COMMANDERS SHALL DESIGNATE NOT
MORE THAN THREE MEMBERS FROM THEIR RESPECTIVE NATIONAL ELEMENTS.

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(THE BOARD WILL BE RESPONSIBLE FOR MAINTAINING AN UP-TO-DATE
INSTALLATION FACILITIES LAY-OUT PLAN.) ONE MEMBER FROM EACH
NATIONAL ELEMENT SHALL BE DESIGNATED A SENIOR MEMBER. THE
TWO SENIOR MEMBERS WILL BE CO-CHAIRMEN OF THE BOARD. IN
ADDITION, THE BOARD MAY MAKE RECOMMENDATIONS CONCERNING
CONSTRUCTION ON MATTERS AT INCIRLIK DEFENSE COOPERATION
INSTALLATION TO BOTH UNITED STATES AND TURKISH COMMANDERS.
THE BOARD'S ACTIONS AND RECOMMENDATIONS ARE ADVISORY ONLY.

ARTICLE X: INTERFERENCE

THE ACTIVITIES OF INCIRLIK DEFENSE COOPERATION INSTALLATION SHOULD BE COORDINATED IN SUCH A MANNER AS TO AVOID INTERFERERNC E BETWEEN SUCH ACTIVITIES AND THE ACTIVITIES OF OTHER LOCAL MILITARY AND CIVILIAN INSTALLATIONS, AND TO AVOID DAMAGE TO LIFE AND PROPERTY. SHOULD ANY INTERFERENCE ARISE, THE UNITED STATES AND TURKISH AUTHORITIES SHALL COOPERATE IN ORDER TO TAKE PRACTICABLE MEASURES TO ELIMINATE SUCH INTERFERENCE.

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ARTICLE XI: COST

1. IN FURTHERANCE OF OUR MUTUAL SECURITY COOPERATION, THE UNITED STATES WILL PROVIDE, EXCEPT AS PROVIDED IN PARAGRAPH 2 AND 3 OF THIS ARTICLE, THE COSTS OF OPERATION AND MAINTENANCE AND THE COST OF MUTUALLY AGREED CONSTRUCTION, MODERNIZATION, ALTERATION AND REPAIRS AT INCIRLIK DEFENSE COOPERATION INSTALLATION.

2. EACH PARTY SHALL PAY ITS OWN PERSONNEL COSTS.

3. THE COST OF CONSTRUCTION, MODERNIZATION, ALTERATION, MAINTENANCE AND REPAIR OF PREMISES EXCLUSIVELY UTILIZED BY ONE PARTY, SUCH AS LIVING QUARTERS, DINING HALLS, AND SOCIAL WELFARE FACILITIES, SHALL BE MET BY THAT PARTY.

4. THE COSTS OF MUTUALLY AGREED EXTENSION OF LOCAL UTILITIES PROVIDED BY THE GOVERNMENT OF THE REPUBLIC OF TURKEY TO THE PERIMETER OF THE INSTALLATION AREAS SHALL BE MET BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

5. THE ABOVE COST SHARING ARRANGEMENT REFLECTS THE EXISTING STATUS-QUO AT INCIRLIK DEFENSE COOPERATION INSTALLATION. THE GOVERNMENT OF TURKEY AND THE GOVERNMENT OF THE UNITED STATES AGREE TO RE-EXAMINE THE ABOVE COST SHARING ARRANGEMENT IF SIGNIFICANT COST RELATED CHANGES OCCUR. COST RELATED FACTORS OF SPECIAL IMPORTANCE ARE: (1) CHANGES IN AUTHORIZED MISSIONS AS SPECIFIED IN ARTICLE I, AND (2) CHANGES IN THE PRESENT RATIO OF TURKISH AND UNITED STATES PERSONNEL AT INCIRLIK DEFENSE COOPERATION INSTALLATION.

6. NATO INFRASTRUCTURE PROJECTS ARE EXEMPTED FROM THE PROVISIONS OF THIS ARTICLE.

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ARTICLE IXX: NATO/SOFA

1. EQUIPMENT OF THE UNITED STATES GOVERNMENT AND PROVISIONS, SUPPLIES AND OTHER GOODS FOR THE EXCLUSIVE USE OF THE UNITED STATES NATIONAL ELEMENT MAY BE IMPORTED INTO AND EXPORTED FROM TURKEY IN ACCORDANCE WITH THE PROVISIONS OF THE "AGREEMENT BETWEEN THE PARTIES OF THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES" DATED JUNE 19, 1951, AND SUPPLEMENTARY AGREEMENTS THERETO. INCIRLIK DEFENSE COOPERATION INSTALLATION OPERATING PROCEDURES CONCERNING TURKISH CUSTOMS REQUIREMENTS ARE ATTACHED AT ANNEX IV.

2. THE UNITED STATES NATIONAL ELEMENT ASSIGNED OR STATIONED IN THE TERRITORY OF THE REPUBLIC OF TURKEY FOR THE PURPOSES OF DEFENSE COOPERATION SHALL BE SUBJECT TO THE "AGREEMENT BETWEEN THE PARTIES OF THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES" DATED JUNE 19, 1951, AND SUPPLEMENTARY AGREEMENTS THERETO.

3. THE UNITED STATES NATIONAL ELEMENT SHALL BE DEFINED IN ANNEX V.

(COMMENT: WE ENVISION THE PHRASE "UNITED STATES NATIONAL ELEMENT" BEING AN ALL-ENCOMPASSING TERM COVERING ALL PERSONNEL THAT HAVE BEEN COVERED IN THE PAST. THE US NATIONAL ELEMENT WOULD BE COMPRISED OF THE FOLLOWING:

--US FORCES-THE PERSONNEL BELONGING TO THE LAND, SEA OR AIR ARMED SERVICE OF THE UNITED STATES AS DEFINED IN ARTICLE 1, PARAGRAPH 1, SUBPARAGRAPH (A) OF NATO/SOFA.

--CIVILIAN COMPONENT-CIVILIAN PERSONNEL ACCOMPANYING THE US FORCES WHO ARE IN THE EMPLOY OF THE ARMED SERVICE OF THE US AS DEFINED IN ARTICLE 1, PARAGRAPH 1, SUBPARAGRAPH (B) OF NATO/SOFA. IN ADDITION TO THE ABOVE, THE TERM

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CIVILIAN COMPONENT SHALL INCLUDE:

A. EMPLOYEES OF THE UNITED STATES ARMED SERVICES.

B. EMPLOYEES OF THE UNITED STATES GOVERNMENT DEPARTMENTS.

C. EXCHANGE SYSTEM FACILITIES PERSONNEL.

D. EMPLOYEES OF RECREATIONAL ORGANIZATIONS FOR US FORCES.

E. RED CROSS AND UNITED SERVICES ORGANIZATIONS PERSONNEL.

F. TECHNICAL REPRESENTATIVES OF CONTRACTORS WITH THE US FORCES.

G. CONTRACTORS WITH THE UNITED STATES FORCES AND THEIR US PERSONNEL.

--DEPENDENTS-THE SPOUSE OF A MEMBER OF THE US FORCES OR ITS CIVILIAN COMPONENT, OR A CHILD OF SUCH MEMBER DEPENDING ON HIM OR HER FOR SUPPORT AS DEFINED IN ARTICLE 1, PARAGRAPH 1, SUBPARAGRAPH (B) OF NATO/SOFA REGARDLESS OF NATIONALITY. IN ADDITION TO THE ABOVE, THE TERM DEPENDENT SHALL INCLUDE ALL OTHER PERSONS WHO ARE RELATIVES OF, AND IN ACCORDANCE WITH THE UNITED STATES LAWS OR REGULATIONS, DEPENDING FOR SUPPORT UPON AND ACTUALLY RESIDEING WITH ANY MEMBER OF THE US FORCES OR ITS CIVILIAN COMPONENT REGARDLESS OF NATIONALITY.

IT IS NOTED THAT IF CONTRACTORS WITH THE US ARMED FORCES AND THEIR US PERSONNEL ARE DEFINED AS MEMBERS OF THE US NATIONAL ELEMENT AS PROPOSED ABOVE, THERE IS AN APPARENT INCONSISTENCY IN ARTICLE XII PARAGRAPH 2 CONCERNING

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THE SUPPLEMENTARY AGREEMENTS THERETO. THE 1954 NATO/SOFA

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 SSO-00 SP-02 PM-05 L-03
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HQ USAF WASHDC PRIORITY
CINCEUR PRIORITY
CINCUSAFE PRIORITY
USDOCOSOUTH NAPLES PRIORITY

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EXTENSION AGREEMENTS GIVE LIMITED IMPORT/EXPORT PRIVILEGES TO THIS CATEGORY OF PERSONNEL, (IE, CANNOT IMPORT/EXPORT AUTOMOBILE). IF CONTRACTORS ARE INCLUDED IN THE DEFINITION OF THE US NATIONAL ELEMENT THEY WOULD HAVE FULL NATO/SOFA IMPORT/EXPORT PRIVILEGES AND ALL OTHER NATO/SOFA PROVISION WOULD APPLY TO THEM AS WELL. FOR EXAMPLE, ARTICLE VII OF THE NATO/SOFA CONCERNING CLAIMS WOULD APPLY TO THEM. IN OUR OPINION, THE US DOES NOT HAVE CLAIMS PAYMENT AUTHORITY FOR THIS CATEGORY OF PERSONNEL. PRESENT PLANS FOR OPERATIONS IN TURKEY CONTEMPLATE INCREASED USE OF CONTRACTORS AND THEIR PERSONNEL. THEREFORE, IT WOULD SEEM TO BE TO THE US ADVANTAGE, AT LEAST FOR COST RELATED MATTERS, THAT THEY BE PROVIDED MAXIMUM IMPORT/EXPORT PRIVILEGES. ON THE OTHER HAND, GIVING THEM FULL NATO/SOFA PRIVILEGES/RESPONSIBILITIES WOULD CREATE LEGAL PROBLEMS FOR THE US SUCH AS THE CLAIMS PROBLEM NOTED ABOVE.)

ARTICLE XIII: INSPECTION

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1. THE TURKISH COMMANDER AND UNITED STATES COMMANDER SHALL HAVE THE RIGHT TO INSPECT ALL AREAS OF INCIRLIK DEFENSE COOPERATION INSTALLATION TO INSURE THE OPERATIONAL ACTIVITIES ARE IN COMPLIANCE WITH THE GOVERNMENT OF TURKEY APPROVED MISSIONS. THESE INSPECTIONS WILL NOT HINDER OR RESTRICT THE ON-GOING ACTIVITIES OF THE INSTALLATION. INSPECTION OF AREAS EXCLUSIVELY USED BY ONE NATIONAL ELEMENT WILL BE MADE ON THE BASIS OF MUTUALLY SATISFACTORY ADMINISTRATIVE ARRANGEMENTS BETWEEN THE TURKISH AND UNITED STATES COMMANDERS. AS FOR VISITING CERTAIN AREAS RESERVED FOR CRYPTO EQUIPMENT AND CLASSIFIED MATERIALS WITHIN THE INCIRLIK DEFENSE COOPERATION INSTALLATION, THE COMMANDERS SHALL RESPECT EACH OTHER'S NATIONAL RULES AND REGULATIONS.

2. JOINT UNITED STATES/TURKISH ORIENTATION VISITS MADE BY MEMBERS OF EITHER NATIONAL ELEMENT SHALL BE MADE ONLY AFTER FULL COORDINATION BY BOTH TURKISH AND UNITED STATES COMMANDERS.

(COMMENT: THE USG WOULD, OF COURSE, OPPOSE GRANTING TURKS INSPECTION/VERIFICATION RIGHTS IN A BASE AGREEMENT. IF HOWEVER, THE TURKS INSIST ON SUCH A PROVISION, THE FOREGOING TEXT WOULD MEET US ADMINISTRATIVE REQUIREMENTS.)

ARTICLE XIV: TERMINATION

1. IN THE EVENT THAT EITHER PARTY CONCLUDES THAT THE OTHER PARTY IS NOT COMPLYING WITH OR IS UNABLE TO COMPLY WITH THE INTENT OF THIS AGREEMENT, THAT PARTY MAY ISSUE A CALL FOR CONSULTATIONS BETWEEN THE TWO GOVERNMENTS. IN THE EVENT THAT AGREEMENT IS NOT REACHED WITHIN A PERIOD OF THREE MONTHS, EITHER PARTY MAY TERMINATE THIS AGREEMENT UPON NOTICE IN WRITING OF THIRTY DAYS.

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2. IN THE EVENT OF TERMINATION OF THIS AGREEMENT, THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL COMPLETE THE PROCESS OF ITS WITHDRAWAL AND LIQUIDATION WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF TERMINATION DURING WHICH PERIOD THIS AGREEMENT SHALL BE CONSIDERED TO REMAIN IN FORCE FOR THE PURPOSES OF AN ORDERLY WITHDRAWAL AND LIQUIDATION.

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